

REMARKS

In response to the Office Action dated May 17, 2010, Assignee respectfully requests reconsideration based on the following remarks. Assignee respectfully submits that the claims as presented are in condition for allowance.

Claim 28 has been canceled to expedite prosecution; such cancellation shall not be construed as acquiescence in any rejections.

Claims 1-3, 5-8, 11-18, 21, 23-25 and 29 were rejected under 35 U.S.C. § 103 as being unpatentable over Dolan in view of Leung and Hoopes. This rejection is traversed for the following reasons.

Claim 1 recites “a priority response comprising an action to ring a telephone associated with the telephone line with an alert signal that is different from a regular ringing tone.” In applying Dolan, the Examiner acknowledges that Dolan fails to disclose this feature and relies on Hoopes for disclosing a priority alert ring. Assignee submits that it would not have been obvious to include a priority alert signal in the system of Dolan.

Figure 11 of Dolan describes how a subscriber handles a call based on caller priorities (column 5, lines 55-67). As shown in Figure 11, the incoming call is answered only if the caller's priority is sufficient. If the caller's priority is sufficient, the called party subscriber is alerted to the call and makes a decision about how to handle the call. In receiving an incoming call in Dolan, the system determines if the caller has sufficient priority prior to notifying the subscriber. Thus, there is no need for a “priority alert ring” in Dolan as all calls connected to the subscriber have already been screened to determine if the caller has sufficient priority. A priority alert ring is not needed in Dolan as the priority decision has already been made before the call is routed to the subscriber. A priority alert ring would be redundant and unnecessary in Dolan as callers lacking the requisite priority are not connected to the subscriber. In Dolan, all connected calls have the requisite priority, and thus a priority alert ring is not needed. Therefore, there is no reason to use a priority alert ring in Dolan. Accordingly, there is insufficient motivation to combine Dolan and Hoopes as proposed by the Examiner.

For at least the above reasons, claim 1 is patentable over Dolan in view of Leung and Hoopes. Claims 2, 3 and 5-8 depend from claim 1 and are patentable over Dolan in view of Leung and Hoopes for at least the reasons advanced with reference to claim 1.

Claim 11 recites “the priority caller information including a priority code submitted by a priority caller, the priority code being a subscriber generated code provided to a plurality of priority callers; and executing a priority action if the incoming call comprises the priority caller information, wherein the priority action comprises ringing a telephone associated with the telephone line with a priority alert signal that is different from a regular ringing tone.” As discussed above, the combination of Dolan in view of Leung and Hoopes fails to disclose these features. Claims 12 and 13 depend from claim 11 and are patentable over Dolan in view of Leung and Hoopes for at least the same reasons.

Claim 14 recites “consulting the database to determine whether the incoming call comprises the at least one priority caller number, the priority caller number including a priority code submitted by the priority caller, the priority code being a subscriber generated code provided to a plurality of priority callers; and executing the priority action if the incoming call comprises the at least one priority caller number, the priority action comprising an action to ring a telephone associated with the telephone line with an alert signal that is different from a regular ringing tone.” As discussed above, the combination of Dolan in view of Leung and Hoopes fails to disclose these features. Claims 15-18 depend from claim 14 and are patentable over Dolan in view of Leung and Hoopes for at least the same reasons.

Claim 21 recites “consulting the database to determine whether the priority code matches any of the at least one priority codes, the priority code being a subscriber generated code provided to a plurality of priority callers; and executing the priority action if the priority code matches one of the at least one priority codes, the priority action comprising an action to alert the terminating equipment associated with the telephone line with a priority alert signal that is different from a regular ringing tone, the terminating equipment comprising a telephone and a computer.” As discussed above, the combination of Dolan in view of Leung and Hoopes fails to disclose these features. Claims 23-25 depend from claim 21 and are patentable over Dolan in view of Shaffer and Hoopes for at least the same reasons.

Claim 29 recites “prompting a calling party of the incoming communication to input calling party priority information, the calling party priority information comprising a calling party instruction for executing the priority action; receiving the calling party priority information; and executing the priority action according to the calling party information, the priority action comprises an action to alert the terminating equipment associated with the

telephone line with a priority alert signal that is different from a regular ringing tone, the terminating equipment comprising a telephone and the computer.” As discussed above, the combination of Dolan in view of Leung and Hoopes fails to disclose these features.

Claims 9-10, 19-20 and 26-27 were rejected under 35 U.S.C. § 103 as being unpatentable over Dolan in view of Leung and Hoopes and Taylor. This rejection is traversed for the following reasons. Taylor was relied upon for allegedly disclosing TCP/IP and VoIP telephony, but fails to cure the deficiencies of Dolan in view of Leung and Hoopes discussed above with reference to claims 1, 14 and 21. Taylor does not disclose the use of an alert signal for priority calls or a priority code being a subscriber generated code provided to a plurality of priority callers. Claims 9-10 depend from claim 1, claims 19-20 depend from claim 14 and claims 26-27 depend from claim 21 and are patentable over Dolan in view of Leung and Hoopes and Taylor for at least the reasons advanced with reference to claims 1, 14 and 21.

In view of the foregoing remarks, Assignee submits that the above-identified application is now in condition for allowance. Early notification to this effect is respectfully requested.

If there are any charges with respect to this response or otherwise, please charge them to Deposit Account 06-1130.

Respectfully submitted,

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